


CERTIFICATE OF TRANSMISSION			
I hereby certify that this correspondence is being transmitted by facsimile transmission to the United States Patent and Trademark Office on the date indicated below and is addressed to the Assistant Commissioner for Patents, Washington, D.C. 20231. Facsimile No.: (703) 746-3163			
Typed or Printed Name	Susan M. Alessi	Date	June 3, 2003
Signature			

FACSIMILE TRANSMITTAL
BOZICEVIC, FIELD & FRANCIS LLP
200 Middlefield Road
Suite 200
Menlo Park, California 94025
Telephone (650) 327-3400
Facsimile (650) 327-3231

Date: June 3, 2003
To: **Please Deliver to: Examiner Vera Afremova**
Art Unit 1651
United States Patent and Trademark Office
Facsimile No.: (703) 746-3163
From: Susan M. Alessi assisting
James S. Keddie, Ph.D., Patent Agent
Re: U.S. Patent Application No. 09/733,266
Title: "METHODS FOR MODULATION OF OOCYTE
ACTIVATION"
Inventor(s): KUO et al.
Attorney Docket No.: STAN-209
Message:

Please see the following pages following this facsimile transmittal cover sheet.

- **Applicant Initiated Interview Request Form (3 pages)**

If there are any problems concerning the transmission for these documents please contact Susan M. Alessi at (650) 833-7714 or Via email at alessi@bozpat.com.
Thank You!

Total number of pages, including this cover sheet: 4

WARNING: This facsimile message and accompanying documents are intended only for the use of the addressee indicated above. Information that is privileged or otherwise confidential may be contained therein. If you are not the intended recipient, you are hereby notified that any dissemination, copying, review or use of the above message or the accompanying documents is strictly prohibited. If you have received this message in error, please notify us immediately by telephone or facsimile, and mail the original to us at the above address. Thank you.

PTOL-413A (05-03)
Approved for use through xx/xx/xxxx, OMB 0651-0031
U.S. Patent and Trademark Office: U.S. DEPARTMENT OF COMMERCE

Applicant Initiated Interview Request Form

Application No.: 09/ 733, 266 First Named Applicant: Kuo
Examiner: A. F. REMOVA Art Unit: 1651 Status of Application: on final

Tentative Participants:

(1) J. Keddie (2) _____
(3) _____ (4) _____

Proposed Date of Interview: June 4, 2003 Proposed Time: 11 AM (AM/PM)

Type of Interview Requested:

(1) ☒ Telephonic (2) ☐ Personal (3) ☐ Video Conference

Exhibit To Be Shown or Demonstrated: ☐ YES ☐ NO

If yes, provide brief description: _____

Issues To Be Discussed

Issues (Rej., Obj., etc)	Claims/ Fig. #s	Prior Art	Discussed	Agreed	Not Agreed
(1) <u>New matter</u>	<u>1, 3, 4, 15</u>	<u>-</u>	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>
(2) <u>112, 2nd P</u>	<u>1, 3-5, 13, 15</u>	<u>-</u>	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>
(3) <u>102</u>	<u>1+15</u>	<u>Grometta Jewerhouse</u>	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>
(4) <u>102</u>	<u>1, 3, 4 + 15</u> <u>6255109</u>	<u>6255109</u>	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>

☒ Continuation Sheet Attached

Brief Description of Arguments to be Presented:

(1) proposed claim amendments will follow shortly

(2) request clarification of 112 2nd P rejection / continued over

An interview was conducted on the above-identified application on _____.

NOTE:

This form should be completed by applicant and submitted to the examiner in advance of the interview (see MPEP § 713.01).

This application will not be delayed from issue because of applicant's failure to submit a written record of this interview. Therefore, applicant is advised to file a statement of the substance of this interview (37 CFR 1.133(b)) as soon as possible.

(Applicant/Applicant's Representative Signature)

(Examiner/SPE Signature)

This collection of information is required by 37 CFR 1.133. The information is required to obtain or retain a benefit by the public which is to file (and by the USPTO to process) an application. Confidentiality is governed by 35 U.S.C. 122 and 37 CFR 1.14. This collection is estimated to take 21 minutes to complete, including gathering, preparing, and submitting the completed application form to the USPTO. Time will vary depending upon the individual case. Any comments on the amount of time you require to complete this form and/or suggestions for reducing this burden, should be sent to the Chief Information Officer, U.S. Patent and Trademark Office, U.S. Department of Commerce, P.O. Box 1450, Alexandria, VA 22313-1450. DO NOT SEND FEES OR COMPLETED FORMS TO THIS ADDRESS. SEND TO: Commissioner for Patents, P.O. Box 1450, Alexandria, VA 22313-1450.

If you need assistance in completing the form, call 1-800-PTO-9199 and select option 2.

Discussed Agreed not agreed

- | | <u>issue</u> | <u>claim</u> | <u>art</u> |
|-----|--------------|-----------------|-------------------------------|
| (5) | 102 | 5 | Herrero |
| (6) | 103 | 1, 3-15, 13, 15 | '109 + Herrero. |
| (7) | 103 | 1, 3-5, 13, 15 | Grometto Jamberbaum
+ '710 |

More Arguments

- 3) Jamberbaum, Herrero, 6255109 and 6077710 place the oocytes into a solution. However getting the active agents into a cell is essential for the method to work. no injection
- 4) 6255109 does not teach "contacting a non activated oocyte step"
- 5) Herrero does not teach two dilution steps
- 6) Grometto does not teach oocyte activation - while calcium changes are a part of oocyte activation, they ~~do~~ can happen without activation - see Grometto at bottom of p 724 "the production of the inward current by SNP is not sufficient for oocyte activation"

Potential claim amendments for STAN-209/09/733,266

subject
and
meaning

1. ^{injecting} A method of activating an oocyte *in vitro*, the method comprising:
directly introducing contacting a non-activated oocyte with nitric oxide
(NO), an NO donor, nitric oxide synthase (NOS), or inducer of NOS into a non-
activated oocyte; and,

sufficient to
activate?

maintaining said oocyte until the oocyte has undergone at least one cell
division;

maintaining said oocyte until pronuclei have formed and migrated
within the cell, ^{to achieve an activated stage;}

} inherent
event OR
observed?

wherein said activation is performed in the absence of sperm ~~and wherein an~~
~~oocyte that has undergone at least one cell division indicates that the oocyte is~~
~~activated.~~

5. A method of inhibiting oocyte activation during fertilization *in vitro*,
the method comprising:

^{injecting} directly introducing contacting a non-activated oocyte with a nitric oxide
synthase inhibitor (NOS) into a non-activated oocyte; and then

contacting said oocyte with sperm,

wherein said oocyte is inhibited from activation during fertilization *in vitro*.

15. A method of activating an oocyte *in vitro*, the method comprising:

^{injecting} directly introducing contacting a non-activated oocyte with nitric oxide
~~(NO)~~, an NO donor, nitric oxide synthase ~~(NOS)~~, or inducer of NOS ^{full time} into a non-
activated oocyte to activate said oocyte;

contacting said ^{keep} ~~activated~~ oocyte with sperm ^{Support?} prior to or during said directly
introducing step to inseminate said oocyte; and then

maintaining said inseminated oocyte until the inseminated oocyte has
undergone at least one cell division;

maintaining said oocyte until pronuclei have formed and migrated
within the cell.

wherein an inseminated oocyte that has undergone at least one cell
division indicates that the inseminated oocyte is activated.